

REMARKS

INTRODUCTORY STATEMENT:

Applicants acknowledge the Examiner's continued indication of allowable subject matter of pre-amendment claims 19 and 20. In the Office Action under reply, the Examiner withdrew the previous rejections of the claims over Dannenberg (102(a) rejection of claim 30); Goodman (102(a) rejection of claim 30); and Pezzuto et al. (102(e) rejection of claim 29) and maintained the following two rejections:

- (1) claims 1, 11-15, 18, 24, and 25 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,329,422 to Fischer et al. ("Fischer et al."); and
- (2) claims 1-10, 16, 17, 21-23, and 26-29 under 35 U.S.C. § 103(a) as obvious over Fischer et al. in view Goldberg et al. (Journal Article), Pezzuto et al., Goodman & Gilman's Ninth Edition ("Goodman & Gilman"), and the American Drug Index, Facts and Comparisons ("ADI").

In addition to the foregoing, the Examiner also set forth the following new ground of rejection:

- (3) claims 30, 35, and 36 under 35 U.S.C. § 103(a) as obvious over either Goodman or Fischer et al., in view of Remington's Pharmaceutical Sciences, 15th Edition.

The outstanding rejections are addressed in part by the claim amendments and are otherwise traversed as explained below.

THE AMENDMENTS TO THE SPECIFICATION AND CLAIMS:

With the present amendment, the specification has been amended to change the term "sarcoicosis" on page 19, line 25 of the specification to --sarcoidiosis--. This change is to correct the typographical error. As it is readily understood by one of ordinary skill in the art that the interstitial lung disease described is "sarcoidiosis," this change adds no new matter to the specification. In support of the change, the entry for "sarcoidiosis from *Mosby's Medical Dictionary*, pp. 1448-1449 (5th Ed., 1998) is attached to the end of this paper.

In the claims, claims 19 and 20 have been canceled and the allowable subject matter therein has been incorporated into independent claims 1, 29, and 31. With the amendment to claims 1, 29, and 31, claims 15-22, 34, and 37 have also been canceled. In addition to the foregoing, claim 30 has been amended from independent to dependant form and three new claims 38-40 have been added. The three new claims define the diseases that are covered by ILD, namely, fibrosing alveolitis, sarcoidiosis, and fibrotic lung disease; this recitation is supported in the specification at page 19, lines 25-26. Accordingly,

no new matter is added to the application with the addition of new claims 38-40. After entry of this amendment, claims 1-14, 21-33, 35, 36, and 38-40 will be pending.

CLAIM REJECTION - 35 U.S.C. § 102(E):

The Examiner rejected pre-amendment claims 1, 11-15, 18, 24, and 25 under 35 U.S.C. §102(e) as anticipated by Fischer et al.

With the incorporation of the allowable subject matter of claims 19 and 20 into independent claim 1, and the deletion of dependent claims 15 and 18, this rejection is rendered moot.

CLAIM REJECTIONS - 35 U.S.C. § 103(A):

1. FISCHER ET AL. IN VIEW OF GOLDBERG ET AL., PEZZUTO ET AL., GOODMAN & GILMAN, AND THE AMERICAN DRUG INDEX

Claims 1-10, 16, 17, 21-23, 26-29, 31-34, and 37 were rejected under 35 U.S.C. §103(a) over Fischer et al. in view of Goldberg et al., Pezzuto et al., Goodman & Gilman, and the ADI. This rejection is moot for canceled claims 16 and 17 and is traversed for the remaining claims.

With the incorporation of the allowable subject matter of claims 19 and 20 into independent claim 1, and the deletion of dependent claims 16, 17, 21, 22, 34, and 37, this rejection is rendered moot.

2. GOODMAN ET AL. OR FISCHER ET AL. IN VIEW OF REMINGTON'S PHARMACEUTICAL SCIENCES

Claims 30, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as obvious over either Goodman et al. or Fischer et al. in view of Remington's Pharmaceutical Sciences, 15th ed. (Remington). This rejection is respectfully traversed.

The Examiner cites Goodman, Fischer et al., and Remington to assert that a dry powder pharmaceutical formulation for pulmonary administration of resveratrol is obvious to one of ordinary skill in the art.

With the amendment of claim 30 from independent to dependent form, this rejection is rendered moot. Accordingly, applicants respectfully request withdrawal of this rejection.


CONCLUSION

The claim amendments serve to place the application in condition for allowance and thus, are a proper after-final response pursuant to 37 C.F.R. § 1.116. With respect to the outstanding rejections, as the foregoing demonstrates that the claimed invention is not anticipated by or rendered obvious by any of the cited references, applicants respectfully request withdrawal of all outstanding rejections and allowance of this application.

Should the Examiner have any questions concerning this response, she is welcome to telephone the undersigned attorney at (650) 330-4913.

Respectfully submitted,

By:


Karen Canaan
Registration No. 42,382

REED & EBERLE LLP
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile